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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/461,292 | 12/15/1999 | SUNG-WOOK PARK | 1293.1087/MD | 3630 |

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| EXAMINER |
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NGUYEN, HUY THANH

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| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 05/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,292

Applicant(s)

PARK ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7, 51-53 and 70-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7, 51-53 and 70-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 3,4,52 and 52 is withdrawn in view of the newly discovered reference(s) and further reconsideration of claims. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-7, 51-53 and 71-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-7,51-53 and 71-73 called for a method and an apparatus for generating additional information to guarantee seamless playback. However it is noted that there is no positive step recited in the body of claims to accomplish the seamless reproduction of the stream data .

In claim 5, lines 1-2, there is no antecedent basis for "the gap length information".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3-7, 51-53 and 70-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al (2002/0150392 A1).

Regarding claim 1, 8,15, 49, and 54, Yoo discloses an apparatus (Fig. 7) and method to generate additional information to guaranteeing seamless playback, the method comprising generating data stream information for each of two or more data streams having packet data to which arrival time information of the respective packet data is added, the data stream information including seamless playback information, which indicates whether a corresponding data stream is to be seamlessly reproduced or seamless time control information to control an output time of the corresponding data stream to be seamlessly reproduced (Abstract, page 2, column 1, page 4, column 1).

It is noted that the expression "and/or" as being recited in claims can be interpreted as "or expression".

6. Claims 3-7, 51-53 and 70-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Mori et al (5,854,873).

Regarding claims 3-7,51-53 and 70-73, Mori teaches a method to generate additional information to guaranteeing seamless playback, the method comprising generating data stream information for each of two or more data streams having packet

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data to which time information including arrival time information (Figs. 18,19) of the respective packet data is added, the data stream information including seamless playback information (Figs 20.27 and 46) which indicates whether a corresponding data stream is to be seamlessly reproduced after playback of a preceding data stream, or seamless time control information to control an output time of the corresponding data stream to be seamlessly reproduced.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 3-7, 51-53 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (6,181,870) in view of the admitted prior art figures 1-4.

Regarding claim 3, 4, 51 and 52, Okada discloses an apparatus and method (Figs. 17) to generate additional information to guaranteeing seamless playback, the method comprising generating data stream information for each of two or more data streams having packet data to which time information (Figs. 6,12,14 and 23) of the respective packet data is added, the data stream information including seamless playback information (Fig. 12), which indicates whether a corresponding data stream is to be seamlessly reproduced after playback of a preceding data stream, or seamless time control information to control an output time of the corresponding data stream to be seamlessly reproduced.

Okada fails to specifically teach adding the arrival time into packets. The admitted prior art figures 1-4 teaches apparatus for storing the stream data formed by packets having means for generating and adding arrival time information to the packets.

It would have been obvious to one of ordinary skill in the art to modify Okada with the admitted prior art by providing the apparatus of Okada with a arrival time generating means for generating arrival time and adding the arrival time into packets thereby enhancing the capability of the apparatus of Okada in searching the stream data packet to be reproduced.

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The expression "and/or" in claims being recited in claims can be interpreted as "or" expression. Therefore, the seamless playback information taught by Okada meets limitation "seamless playback information and/or seamless time control information" as being recited in claims.

Regarding claims 5, 53, 70, and 73, Okada further teaches that the gap length information is a value of an amount of time from an output time of a last packet of the preceding data stream to a time at which a first packet of the corresponding data stream to be seamlessly reproduced must be output (Fig. 12, column 28, lines 15-21).

Regarding claims 6 and 71, Okada further teaches that the seamless time control information is valid only when the seamless information has a value indicating "seamless playback" (fig. 12).

Regarding claims 7, 55, 72, Okada as modified with the admitted prior art further teaches each of the data streams includes a plurality of packs, each pack including the packet data to which information on the arrival time of the respective packet data is added, and an extra header which is added to the packet data with arrival time information (See Okada and the admitted prior art).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER